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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
(HONORABLE BRIAN M. MORRIS)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

LUKE JOHN SCOTT, Jr.,)

Defendant.)

No. 4:19-cr-029-BMM

DEFENDANT’S RESENTENCING
MEMORANDUM

LUKE JOHN SCOTT, Jr., through counsel, Stephen R. Hormel for Hormel
Law Office, L.L.C., submits the following memorandum for resentencing:

A. Introduction.

When addressing a sentencing court’s function in fashioning the appropriate
sentence, the Ninth Circuit, long ago, wrote:

[i]n making a decision in any particular case, good
judgment will often require the evaluation of a complex
set of factors. No single factor may be enough to point to
the wise course of decision. But a wise person will not
look on each particular factor abstractly and alone.
Rather, it will be how the particular pieces fit together,
converge, and influence each other that will lead to the
correct decision.

United States v. Cook, 938 F.2d 149, 153 (9th Cir. 1991).

1 The Supreme Court teaches:

2 It has been uniform and constant in the federal
3 judicial tradition for the sentencing judge to consider
4 every convicted person as an individual and every case as
5 a unique study in the human failings that sometimes
6 mitigate, sometimes magnify, the crime and the
7 punishment to ensue.

8 *Pepper v. United States*, 476, 487 (2011) (quoting *Koon v. United States*, 518 U.S.
9 81, 113 (1996)).

10 **B. Guidelines Calculation.**

11 The Guidelines' calculation in the Presentence Investigation Report (PSR)
12 for Counts 1 and 2 are appropriate given the status of evidence at trial. (Doc. 492 at
13 7-9, ¶ 31-50). A total offense level of 25, in Criminal History Category III, results a
14 70 to 87 month range of imprisonment.

15 **C. Recommendation.**

16 Based on the foregoing, it is recommended that the Court impose no more
17 than a 70 month term of imprisonment in this case. It is requested that the Court
18 impose no more than a combined 142 month term of imprisonment for both cases.

19 Dated this 29th day of January, 2024.

20 Respectfully Submitted,

21 s/ Stephen R. Hormel

22 MT Bar # 3059

23 Stephen R. Hormel

24 Hormel Law Office, L.L.C

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, I electronically served the foregoing under seal Sentencing Memorandum, to the following: Kalah Paisley, Assistant United States Attorney.

s/ Stephen R. Hormel
MT Bar # 3059